

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CIT BANK, N.A.,

Plaintiff,

v.

**ESTATE OF SHARI S. MARRAZZO; THE
UNKNOWN HEIRS, DEVISEES, AND
ASSIGNEES OF SHARI S. MARRAZZO;
ANDREA L. RYUN, Secretary of Housing and
Urban Development; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 3435 SW
COLUMBIA DR, MADRAS, OR 97741,**

Defendants.

No. 3:17-cv-1948-YY

OPINION AND ORDER

MOSMAN, J.,

On April 17, 2018, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [25], recommending the Motion to Remand to State Court [14] should be GRANTED and this action should be remanded to Jefferson County Circuit Court, but

that Defendants' request for costs and expenses, including attorney's fees, should be DENIED.

No objections were filed.


DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge You's recommendation and I ADOPT the F&R [25] as my own opinion. Defendants' Motion to Remand to State Court [14] is GRANTED and this action is REMANDED to Jefferson County Circuit Court. Defendants' request for costs and expenses, including attorney's fees, is DENIED.

IT IS SO ORDERED.

DATED this 8th day of May, 2018.


MICHAEL W. MOSMAN
Chief United States District Judge